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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

16 \_\_\_\_\_ )  
17 IN RE TRANSPACIFIC PASSENGER ) **No. 07-CV-5634-CRB**  
18 AIR TRANSPORTATION )  
19 ANTITRUST LITIGATION ) **MDL No. 1913**  
20 )  
21 This Document Relates to: )  
22 )  
23 )  
24 ALL ACTIONS )  
25 \_\_\_\_\_)

**STIPULATION AND [PROPOSED]  
ORDER SETTING BRIEFING  
SCHEDULE FOR  
DEFENDANTS' SUMMARY  
JUDGMENT MOTIONS BASED ON  
THE FILED RATE DOCTRINE AND  
MODIFYING THE SCHEDULE FOR  
BRIEFING ON CLASS  
CERTIFICATION**

26 The parties to the within action hereby agree and stipulate as follows:  
27

28 WHEREAS, Air New Zealand Ltd., Cathay Pacific Airways Ltd., China Airlines, Ltd.

1 EVA Airways Corp., Philippine Airlines, Inc., Qantas Airways Limited, Singapore Airlines  
 2 Limited and Thai Airways International filed a joint brief for summary judgment based on the  
 3 Filed Rate Doctrine on September 10, 2013 (Doc. 728);

4 WHEREAS, All Nippon Airways Co., Ltd. (Doc. 724), Cathay Pacific Airways Ltd.  
 5 (Doc. 725), and China Airlines, Ltd. (Doc. 731), have filed individual motions for summary  
 6 judgment and supporting briefs based on the Filed Rate Doctrine on September 10, 2013;

7 WHEREAS, Air New Zealand, EVA Airways, Philippine Airlines, Qantas Airways  
 8 Limited, Singapore Airlines and Thai Airways International each plan to file motions for and  
 9 individual briefs in support of summary judgment based on the Filed Rate Doctrine within the  
 10 next three weeks;

11 WHEREAS, Plaintiffs have served notices of deposition pursuant to the Federal Rules of  
 12 Civil Procedure for certain of the declarants supporting the motions filed to date, and intend to  
 13 serve notices of depositions for declarants proffered in support of any additional motions which  
 14 are filed;

15 WHEREAS, both Defendants and Plaintiffs ("the Parties") believe it would be more  
 16 efficient for the Court to decide Defendants' summary judgment motions based on the Filed Rate  
 17 Doctrine prior to the briefing of any motion for class certification;

18 WHEREAS, the Parties agree that the deadline for close of fact discovery on January 31,  
 19 2014, shall not be affected by this Stipulation; and

20 WHEREAS, the time differentials between the deadlines for filing a motion for class  
 21 certification, opposition thereto, the reply, and any sur-reply shall remain consistent with the  
 22 previous Order entered by the Court on August 30, 2013 (Doc. 720);

23 NOW THEREFORE, the Parties agree and stipulate as follows:

24 1. To extend Plaintiffs' time to respond to all of the Defendants' motions for summary  
 25

1 judgment based on the Filed Rate Doctrine to 60 days after Defendants' counsel notify Plaintiffs  
 2 via e-mail that all of the summary judgment motions that Defendants intend to file based on the  
 3 Filed Rate Doctrine have in fact been filed; such time to be moderately adjusted by agreement of  
 4 the Parties should the deadline for Plaintiffs' response as set by this Paragraph fall near any  
 5 major holidays, in which case the Court will be notified of the agreed-upon, adjusted response  
 6 date;

7       2. Defendants may submit and file replies in further support of their motions for summary  
 8 judgment based on the Filed Rate Doctrine within 45 days after Plaintiffs' response to those  
 9 motions is filed, or January 30, 2014, whichever date is later;

10     3. The time by which Plaintiffs may submit their brief and any related expert report(s) in  
 11 support of a motion for class certification shall be extended to 90 days after this Court issues an  
 12 Order deciding Defendants' motions for summary judgment based on the Filed Rate Doctrine;

13     4. The time by which Defendants may submit their briefs in opposition to Plaintiffs'  
 14 motion for class certification and any related expert report(s) shall be extended to 180 days after  
 15 Plaintiffs file their brief in support of class certification;

16     5. Plaintiffs' reply brief and any reply expert report(s) in further support of their motion  
 17 for class certification shall be due 60 days after Defendants file their briefs in opposition; and

18     6. Defendants' sur-replies and further expert report(s) in further opposition to Plaintiffs'  
 19 motion for class certification shall be due 60 days after Plaintiffs file their reply brief.<sup>1</sup>

20     7. Any party may seek a continuance of the dates set forth in this Stipulation and  
 21 [Proposed] Order for good cause shown.

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22     1 This date shall apply only if Defendants move the Court for leave to file a sur-reply and the Court grants such a  
 23 motion.

1      **SO STIPULATED:**

2      **September 24, 2013**

3                          By: /s/ Christopher Lebsack

4                          **HAUSFELD, LLP**

5                          Michael D. Hausfeld

6                          Michael P. Lehmann

7                          Christopher Lebsack

8                          *Interim Co-Lead Counsel for Plaintiffs*

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19                          By: /s/ William R. Sherman

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10 *Counsel for Defendant Philippine Airlines*

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12 By: /s/ Rowan D. Wilson  
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13 Rowan D. Wilson  
14 Kavita B. Ramakrishnan

15 *Counsel for Defendant Thai Airways International*  
16 *Public Company Limited*

17 **IT IS SO ORDERED**

18 **DATED: September\_\_\_\_, 2013**

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20  
21 Hon. Charles R. Breyer  
22 United States District Judge  
23  
24  
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